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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,521	09/23/2004	Efthimios Papayianis	2002-007	5520

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U.S. ARMY TACOM-ARDEC
ATTN: AMSTRA-AR-GCL
BLDG 3
PICATINNY ARSENAL, NJ 07806-5000

EXAMINER

CLEMENT, MICHELLE RENEE

ART UNIT	PAPER NUMBER
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3641

MAIL DATE	DELIVERY MODE
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10/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection as necessitated by applicant's amendments.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ingersoll (US Patent # 5,390,604) in view of Cole (US Patent # H776). Ingersoll discloses a method of determining the time to a desired height of burst of a projectile comprising the steps of determining the time that it takes the projectile to reach its apex after launch and calculating the time to the desired time of burst based upon the time. Wherein the time to the desired time of burst is a percentage of the time that it takes the projectile to reach its apex. Although Ingersoll does not expressly disclose the method including measuring the time that it takes the projectile to reach its apogee after launch, Cole does. Cole teaches a method of measuring the time that it takes a projectile to reach its apogee after launch. Ingersoll and Cole are analogous art because they are from the same field of endeavor: projectile fuzes. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of measuring the time that it takes a projectile to reach its apogee after launch as suggested by Cole with the method of determining the time to a desired Height of Burst as suggested by Ingersoll. The

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suggestion/motivation for doing so would have been to obtain a faster method of determining the time to a desired height of burst.

4. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ingersoll in view of Cole as applied to claims 7 and 8 above. Ingersoll and Cole disclose the claimed invention except for the specific percentages and the specific height. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the specific percentages and specific height, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Clement whose telephone number is 571.272.6884. The examiner can normally be reached on Monday thru Thursday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571.272.6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michelle (Shelley) Clement/
Primary Examiner, Art Unit 3641